

**RECORD OF PROCEEDINGS
OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

Page No.2007-66
September 4, 2007

The City Council of the City of Gardner, Kansas, met in regular session on Monday, September 4, 2007, at 7:00 P.M. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Honorable Mayor, Carol Lehman presiding. Present were Councilmembers Winters, Breen, Shepherd and Drovetta City Staff present were City Administrator Fairburn, Assistant City Administrator Mundt, Finance Director Gourley, Public Works Director Greene, Community Development Director Sherman, Public Safety Director Francis, Park and Recreation Director Stewart, City Attorney Hubbard and City Clerk Anderson. Others present included those listed on the attached sign in sheet and others who did not sign in.

CALL TO ORDER

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Lehman at 7:00 P.M.

PLEDGE OF ALLEGIANCE

Councilmember Breen led those in attendance in the Pledge of Allegiance.

PRESENTATION

None.

PUBLIC COMMENTS

Linda Meisinger, 25800 W. 199th, Dolphin Song owner, stated that she hears some Council members and the Mayor saying that they have no power while Councilmembers say that they have much power. Meisinger stated that it seems like it goes back to Corporate power. Meisinger left a magazine for City Council members and asked them to read an article called "Standing Up to Corporate Power." Meisinger stated that it is the Citizens of Gardner who ultimately decide what goes on in Gardner. Meisinger stated that the Citizens have power with BNSF. Meisinger informed the Council that she has spoke to a negotiator and asked about the most important thing in negotiations. Meisinger was told that you must negotiate with strength. Meisinger stated that the strength is knowing that you can walk away if the deal is not right for you.

Norm Castle, 29135 W. 152nd Street, spoke about the property that he and Lynn Pitts own at 15810 Gardner East Road. Castle stated that neither he nor Mr. Pitts have had any answers from Council after appearing before them at the August 20, 2007 City Council Meeting. Lehman told Castle that she informed Mr. Pitts that she would call him when the Gardner Lake issues were on the agenda. Lehman informed Castle that there is an agenda item for lake issues on the agenda for the September 10, 2007 City Council Work Session. Castle asked the Council to operate in a timely fashion regarding their request. Castle reminded the Council that he and Mr. Pitts cannot move forward with their property until the City acts.

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Councilmember Shepherd made a motion to table Consent Item #3, New Business Items #3, #7 and #8.

Fairburn asked that #7 be tabled until staff could have further discussion with Council.

Shepherd amended his motion asking to table Consent Item #3 and New Business Items #3 and #8.

No second to the motion was heard. Lehman asked for a second to the motion on the floor. No motion was given.

Shepherd removed himself at 7:13 PM.

Shepherd returned at 7:17 PM. Lehman announced that Shepherd agreed to stay so that the Council could review New Business Items #1, #2 and #10.

NEW BUSINESS

General Obligation Temporary Notes, Series 2007B

Councilmember Drovetta made a motion to adopt Resolution No.1730 authorizing the issuance and delivery of \$13,370,000 principal amount of General Obligation Temporary Notes, Series 2007B (renewal and improvement), of the City of Gardner, Kansas, for the purpose of renewing certain outstanding General Obligation temporary notes of the City and temporarily financing a portion of the cost of certain internal improvements of the City.

Gourley informed the Council that the principal amount of the General Obligation Temporary Notes, Series 2007B is lower than that stated on the Council Action Form. Gourley informed Council that the new amount should read \$13,345,000. Gourley introduced Bruce Kimmell from Springstead. Kimmell explained that the bids received allowed them to reduce the amount and save the City money. Kimmell informed the Council that the City has received Moody's highest short-term rating.

Councilmember Drovetta amended his motion, noting the new amount of \$13,345,000.

Councilmember Breen seconded the motion.

On a roll call the vote was: Winters Yes; Breen, Yes; Drovetta, Yes; Shepherd, Yes. With the all of the members voting in favor of the motion, the resolution was adopted and assigned **Resolution No. 1730**

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General Obligation Bonds - Municipal Pool Improvements

Councilmember Breen made a motion to adopt Resolution No. 1731 amending Resolution No. 1701 of the City of Gardner, Kansas, in connection with the authorization of General Obligation bonds of the City to pay the costs of municipal pool improvements.

Councilmember Winters seconded the motion.

On a roll call the vote was: Winters, Yes; Breen, Yes; Drovetta, Yes; Shepherd, Yes. With all of the members voting in favor of the motion, the resolution was adopted and assigned **Resolution No. 1731.**

Gardner East Water Line Agreement

Councilmember Breen moved to approve Ordinance No. 2242, terminating and releasing of record the Gardner East Water Line agreement recorded on June 4, 1970 in Book 207, pgs. 458-464 of the Register of Deeds Office of Johnson County.

Councilmember Winters seconded the motion.

On a roll call the vote was: Winters, Yes; Breen, Yes; Drovetta, Yes; Shepherd, Yes. With all of the members voting in favor of the motion, the ordinance was passed and assigned **Ordinance No. 2242.**

Lehman announced that there will be a Special Council Meeting at 6:30 PM on Monday, September 10, 2007 prior to the City Council Work Session.

Shepherd excused himself from the meeting and quorum was lost at 7:25 PM.

Teresa Anderson, City Clerk